

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ANDREW JAMES SABAUGH,

Plaintiff,

Case No. 13-cv-14614

v

Honorable Thomas L. Ludington  
Magistrate Judge David R. Grand

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING  
PLAINTIFF'S COMPLAINT WITH PREJUDICE**

On November 6, 2013, Plaintiff Andrew Sabaugh, proceeding pro se, brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of the Social Security Administration denying his claim for benefits.

On January 27, 2014, Magistrate Judge David R. Grand directed Sabaugh to file his motion for summary judgment February 24, 2014. Sabaugh did not do so. On February 26, 2014, the Court issued an Order to Show Cause requiring Sabaugh to inform the Court why it should not recommend dismissal of his complaint for failure to prosecute. Sabaugh did not respond. On March 27, 2014, Magistrate Judge Grand gave Sabaugh "one final opportunity" to file his motion for summary judgment by April 11, 2014. Sabaugh did not do so. On April 22, 2014, Magistrate Judge Grand issued a report recommending that Plaintiff's Complaint be dismissed with prejudice for failure to prosecute.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the

Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 18) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that, pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is **AFFIRMED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: May 13, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Andrew James Sabaugh at 1079 Winchester Avenue, Lincoln Park, MI 48146 by first class U.S. mail on May 13, 2014.

s/Tracy A. Jacobs  
TRACY A. JACOBS